

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS**

DONALD C. HUTCHINS,

Plaintiff,

Civil Action No. 04-30126-MAP

v.

CARDIAC SCIENCE, INC.,

Defendant

DEFENDANT'S MOTION FOR SUMMARY JUDGMENT
UNDER FED. R. CIV. P. 56

COMES NOW Defendant Cardiac Science, Inc., and hereby moves the Court, pursuant to Rule 56 of the Federal Rules of Civil Procedure, for summary judgment on every claim brought against it by Plaintiff, Donald C. Hutchins ("Plaintiff") on grounds that:

1. Plaintiff's claim of copyright infringement must fail because the undisputed facts show that Cardiac Science had license rights to the asserted copyrights.
2. Plaintiff's claim of patent infringement must fail because the undisputed facts show that Cardiac Science had license rights to the asserted patent.
3. Plaintiff's abuse of process claim must fail because the undisputed facts do not support the claim.
4. Plaintiff's tortious interference with contract claim must fail because the undisputed facts do not support the claim.

Cardiac Science's motion is supported by the Memorandum of Law in Support of Defendant's Motion for Summary Judgment, the documents attached thereto, and all of the files, records and proceedings in this matter.

Respectfully submitted,

CARDIAC SCIENCE, INC.

Dated: March 9, 2007

By: s/ Eric H. Chadwick

Eric H. Chadwick (*Pro Hac Vice*)
Scott G. Ulbrich (*Pro Hac Vice*)
**PATTERSON, THUENTE, SKAAR
& CHRISTENSEN, P.A.**
4800 IDS Center
80 South 8th Street
Minneapolis, MN 55402-2100
Tel: (612) 349-5740
Fax: (612) 349-9266
chadwick@ptslaw.com
ulbrich@ptslaw.com

Paul H. Rothschild
BACON & WILSON P.C.
33 State Street
Springfield, MA 01103
Phone: (413) 781-0560
Fax: (413) 739-7740

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

DONALD C. HUTCHINS,

Plaintiff,

Civil Action No. 3:04-cv-30126 MAP

v.

CARDIAC SCIENCE, INC., ET AL.,

CERTIFICATE OF SERVICE

Defendants.

I hereby certify that on **March 9, 2007**, I caused the following documents:

1. **Defendant's Motion For Summary Judgment Under Fed. R. Civ. P. 56**
2. **Proposed Order**

to be filed electronically with the Clerk of Court through ECF, and that ECF will send an e-notice of the electronic filing to the following:

Mr. Paul H. Rothschild
Bacon & Wilson, P.C.
33 State Street
Springfield, MA 01103
prothschild@bacon-wilson.com

John J. Egan
Egan, Flanagan and Cohen, P.C.
67 Market Street
P.O. Box 9035
Springfield, MA 01102-9035
jjegan@eganflanagan.com

Ms. Colleen M. O'Neil
Calfee, Halter & Griswold, LLP
1400 McDonald Investment Center
800 Superior Avenue
Cleveland, OH 44114-2688
cconeil@calfee.com

I further certify that on March 9, 2007 the following was served upon the below-named parties via United States Mail, postage prepaid:

Mr. Donald Hutchins
1047 Longmeadow Street
Longmeadow, MA 01106-2201

Respectfully submitted,

**PATTERSON, THUENTE,
SKAAR & CHRISTENSEN, P.A.**

Dated: March 9, 2007

By: s/ Eric H. Chadwick
Eric H. Chadwick (*Pro Hac Vice*)
Scott G. Ulbrich (*Pro Hac Vice*)
4800 IDS Center
80 South Eighth Street
Minneapolis, Minnesota 55402-2100
Tel: (612) 349-5740
Fax: (612) 349-9266
chadwick@ptslaw.com
ulbrich@ptslaw.com

and

Paul H. Rothschild
BACON & WILSON P.C.
33 State Street
Springfield, Massachusetts 01103
Tel: (413) 781-0560
Fax: (413) 739-7740

ATTORNEYS FOR CARDIAC SCIENCE, INC.